

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CONSOLIDATED INDUSTRIES, LLC
d/b/a WEATHER KING PORTABLE
BUILDINGS,**

Plaintiff,

V.

**JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN, DANIEL
J. HERSHBERGER, BRIAN L. LASSEN,
ALEYNA LASSEN, and AMERICAN
BARN CO., LLC,**

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

ORDER DENYING MOTION TO RESET TRIAL DATE WITHOUT PREJUDICE

Before the Court is Plaintiff's Motion to Reset Trial Date (ECF No. 132). On April 4, 2024, the Court entered a setting letter resetting the jury trial in this matter in conjunction with an amendment to the scheduling order requested by the parties. Trial is now set to begin February 24, 2025. Plaintiff asks the Court to reset the trial date based on the anticipated unavailability of one its expert witnesses who is a certified public accountant. Two of Plaintiff's members are also public accountants. According to Plaintiffs, the witness and the parties will have some difficulty in participating in a trial during tax season. Defendants have responded in opposition to the request.

The Court declines to reset the trial date at this time. The Court set the trial date to align it with the deadlines for discovery and filing dispositive motions, deadlines the Court only recently adopted and which are still several months away. The Court would note that the parties actually

requested to have even more time for discovery based on expected delays in receiving other information needed to prepare the case for trial. In light of the extended nature of discovery and the real possibility the parties may need even more time to complete discovery, the Court will not reset the trial date, particularly where the conflict identified by Plaintiff is still only an anticipated conflict and not yet an actual conflict. Therefore, the Court will **DENY** Plaintiff's request but without prejudice to renew it at a later time.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: April 26, 2024